**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**CRIMINAL APPLICATION NO.6011 OF 2005**

Thomas Peter Parupurayeil & Anr. ...Applicants
Vs.
The State of Maharashtra ...Respondent

Ms Sabana Shah i.by O.A.Siddiqui for the Applicant.
Ms S.D. Shinde, for the Respondent.

**CORAM : A. S. OKA, J.**
**DATE : SEPTEMBER 29, 2005.**

**P.C.:**

1. Heard the Advocate appearing for the Applicants and the learned A.P.P. for the State. The Sessions Court granted Anticipatory Bail in favour of the Applicants by order dated 15th July, 2005. The prayer in this Application is for modification of the following part of the order passed by the Sessions Judge:

> ". In the event of arrest, by Powai Police Station in C.R.No.147/2005, U/s.406, 418, 420 r/w 34 of the IPC, the applicants be released on PR bond of Rs.1,00,000/- each with a surety in the like amount and on the condition that they offers within four weeks bank guarantee of Rs.10,00,000/- each of a nationalized bank in favour of Sr.P.I., Powai Police Station for the period of three years and further period till the conclusion of trial.

> . It is they duty of the applicants to keep the bank guarantee alive till the conclusion of the trial and the trial court would pass appropriate order with regard to the bank guarantee."

The contention of the Applicants is that the bail amount is too high and granting Anticipatory Bail by directing to furnish P.R.Bond of Rs.1 lakh each amounts to denying the bail. It is submitted that direction to furnish bank guarantee of Rs.10 lacs each could not have been given while granting Anticipatory Bail. The prayer in the Application is for reducing the amount of bail of Rs.1 lakh to Rs.25,000/- each and for reducing the bank guarantee amount of Rs.10 lacs to Rs.2,50,000/- each.

2. The learned A.P.P. opposed the Application by pointing out that the Applicants are builders and considering the gravity of allegations against the Applicants involving large amount of loss of revenue, the conditions cannot be modified.

3. I have considered the submissions. The order of the Sessions Court directs the Applicants to furnish P.R.Bond of Rs.1 lakh each with a surety in the like amount. In my view, considering the facts

and circumstances of the case, the learned Judge was justified in fixing the bond amount at Rs.1 lakh. However, it is necessary to permit the Applicant to furnish two sureties in the sum of Rs.50,000/- each instead of one surety to make up the amount of Rs.1 lakh. In this Application, the Applicants have volunteered to give bank guarantee of Rs.2,50,000/- each. Hence, without going into the contention regarding the power of the Sessions Court to direct furnishing of bank guarantee, the ordr can be modified.

4. Hence, I pass the following order:

: O R D E R :

i) The order dated 15th July, 2005 is modified. The Applicants are directed to be released on P.R.Bond in the sum of Rs.1 lakh each with two sureties in the sum of Rs.50,000/- each to make up the amount of Rs.1 lakh. Instead of Bank Guarantee of Rs.10 lacs each, Applicants are directed to furnish bank guarantee of Rs.2,50,000/- each of a Nationalised Bank in terms of the directions issued by the Sessions Court.

ii) Rest of the conditions in order dated 15th July, 2005 are maintained .

iii The Applicants will be granted time of two weeks to furnish sureties if cash bail is furnished.

iv) Parties to act upon an authenticated copy of this order.

**JUDGE**